

Documents Missing In Dr. King Inquiry

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Bulletin Wire Services

Washington — A lawyer for the House committee probing the murder of the Rev. Dr. Martin Luther King Jr. said yesterday that documents relating to the case have been destroyed since the investigation began.

Chief counsel Richard A. Sprague said he had not been officially notified of the destruction, but said he had learned of it from an individual who has interviewed other people.

Sprague, former Philadelphia first assistant district attorney, said the documents "would have been in the possession of law enforcement authorities" and were "relevant to our investigation."

"I have been advised that the destruction has (taken place) since it was announced (in September) that this committee would be investigating the murders of King and President John F. Kennedy," he said.

Sprague would not say which law enforcement agency had the documents. However, committee member Rep. Henry Gonzalez (D-Tex.) told a reporter he believed the documents had been in the possession of authorities in Tennessee, where King was killed in 1968.

The Memphis Police Department has denied that any documents relating to the King case have been destroyed. Lt. William Schmitz said that all of the King files were turned over to the state attorney general in Memphis.

Subpoenas Planned

There have been published allegations that some of these had been burned in September when the department destroyed records of an intelligence division. The department faced lawsuits filed by a state university student demanding the destruction of his files while he was reportedly under surveillance for four years.

Rep. Thomas N. Downing (D-Va.), chairman of the House Committee on Assassinations, said it had been decided yesterday to issue "quite a few" subpoenas. He declined to say what the subpoenas requested or who was being subpoenaed.

At the expected public session of the House committee, Gonzalez asked counsel Robert Ozer if he had any reason to believe that documents relating to the King case had been destroyed "since the constitution of this committee."

"Yes, sir," Ozer replied. "I believe there are some documents that have been destroyed."

Ozer is a former lawyer for the Justice Department strike force against organized crime in Philadelphia and Detroit.

The hearing, originally expected to be held in secret, was opened to the public after a motion to go into executive session failed on a 6-6 vote.

The committee also viewed picture slides of the aftermath of King's assassination on the balcony of a Memphis motel April 4, 1968.

James Earl Ray has pleaded guilty to the King slaying and currently is in prison. Last year he has made a new trial claiming he was coerced.

The committee requested mail Dec. 2.

Oswald Memo

Is another development, knowledgeable sources confirmed that investigators for both the Warren Commission and a Senate intelligence subcommittee had seen an FBI memo indicating Lee Harvey Oswald told Cuban officials he planned to kill Kennedy.

Administration and congressional sources made the disclosure in reaction to news reports that the memo had been recently then discovered in Justice Department files.

The sources, who declined to be identified, did not explain why the Warren Commission failed to attach more significance to the document, which was described as a June 17, 1964, letter from then FBI Director J. Edgar Hoover to Commission Staff Director J. Lee Rankin.

The Hoover letter quoted a reliable informant as saying Oswald had told officials at the Cuban Embassy in Mexico City in September 1963 that he planned to kill Kennedy. The informant claimed this account came directly from Cuban Premier Fidel Castro.